

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:23-cv-00106-MR-WCM**

<b>RODNEY DESHAYE ROWDY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
	)	
<b>GEORGE WARREN, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
<hr/>	)	

**THIS MATTER** is before the Court on its review of the docket in this matter.

On June 30, 2023, Plaintiff filed the instant action pursuant to 42 U.S.C. § 1983 against Defendants George Warren and FNU Timmons. [Doc. 1]. The docket in the instant matter shows Plaintiff's current address as Alexander Correctional Institution in Taylorsville, North Carolina. Recently, however, two of the Clerk's Orders in this matter were returned to the Court as undeliverable. The return envelopes indicate that Plaintiff has been released from custody. [See Docs. 9, 10]. Moreover, on July 25, 2023, the Clerk received notification from the North Carolina Department of Adult Corrections that Plaintiff "is no longer incarcerated." [Doc. 11 at 1]. Plaintiff, however, has not updated his address with the Court.

Plaintiffs have a general duty to prosecute their cases. In this regard, a pro se plaintiff must keep the Court apprised of his current address. See Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988) ("A party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address."). Where a pro se plaintiff has failed to notify the Court of his change of address, the action is subject to dismissal without prejudice for failure to prosecute. Accord Walker v. Moak, Civil Action No. 07-7738, 2008 WL 4722386 (E.D. La. Oct. 22, 2008)

(dismissing without prejudice a § 1983 action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure where the plaintiff did not notify the court of his new address upon his release from jail). Plaintiff must notify the Court of his new address within fourteen (14) days of this Order, or this action will be dismissed without prejudice for Plaintiff's failure to prosecute.

**IT IS, THEREFORE, ORDERED** that Plaintiff has fourteen (14) days from this Order to notify the Court of his new address. Plaintiff's failure to timely notify the Court will result in dismissal of this action without prejudice and without further notice to Plaintiff.

Signed: August 22, 2023

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

